

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

This Document Relates to:

JURY TRIAL DEMANDED

Kyle White

SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL
(PERSONAL INJURY)

The Plaintiff named below files this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff files this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff selects and indicates by checking-off where requested, the Parties and Causes of Actions specific to this case.¹

Plaintiff, by and through their undersigned counsel, allege as follows:

I. DESIGNATED FORUM²

1. Identify the Federal District Court in which the Plaintiff would have filed in the absence of direct filing:

United States District Court for the Northern District of Illinois – Eastern Division
("Transferee District Court").

¹ If Plaintiff wants to allege additional Causes of Action other those selected in paragraph 10, the specific facts supporting any such additional Causes of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

² *See* Case Management Order No. 3, at II(C) (ECF No. 309).

1 **II. IDENTIFICATION OF PARTIES**

2 **A. PLAINTIFF**

3 2. *Injured Plaintiff*: Name of the individual injured due to use of JUUL products:

4 Kyle White

5 ("Plaintiff").

6 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:

7 Geneva, Illinois

8
9 4. *Consortium Plaintiff*: Name of the individual(s) that allege damages for loss of consortium:

10 N/A

11 ("Consortium Plaintiff").

12
13 5. *Survival and/or Wrongful Death Claims*:

14 (a) Name and residence of Decedent Plaintiff when he/or she suffered a JUUL related death:

15 N/A

16
17 (b) Plaintiff/Decedent died on:

18 N/A

19 (c) Plaintiff is filing this case in a representative capacity as the _____ of the
20 _____ having been duly appointed as such by the Court of _____.

21 **B. DEFENDANT(S)**

22 6. Plaintiff names the following Defendants in this action:

23 ☒ JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.,³

24 ☒ ALTRIA GROUP, INC.,⁴

25
26
27 ³ Delaware corporation, with its principal place of business in San Francisco, California.

28 ⁴ Virginia corporation, with its principal place of business in Richmond, Virginia.

☒ PHILIP MORRIS USA, INC.;⁵

☒ ALTRIA CLIENT SERVICES LLC;⁶

☒ ALTRIA GROUP DISTRIBUTION COMPANY;⁷

☒ ALTRIA ENTERPRISES LLC;⁸

THE MANGEMENT DEFENDANTS

☒ JAMES MONSEES;⁹

☒ ADAM BOWEN;¹⁰

☒ NICHOLAS PRITZKER;¹¹

☒ HOYOUNG HUH;¹²

☒ RIAZ VALANI;¹³

THE E-LIQUID MANUFACTURING DEFENDANTS

☒ MOTHER MURPHY'S LABS, INC.;¹⁴

☒ ALTERNATIVE INGREDIENTS, INC.;¹⁵

☒ TOBACCO TECHNOLOGY, INC.;¹⁶

⁵ Virginia corporation with its principal place of business in Richmond, Virginia.

⁶ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁷ Virginia corporation with its principal place of business in Richmond, Virginia.

⁸ Virginia limited liability company with its principal place of business in Richmond, Virginia.

⁹ A resident of California.

¹⁰ A resident of California.

¹¹ A resident of California.

¹² A resident of California.

¹³ A resident of California.

¹⁴ North Carolina corporation, with a principal place of business in North Carolina.

¹⁵ North Carolina corporation, with a principal place of business in North Carolina.

¹⁶ Maryland corporation, with a principal place of business in Maryland.

☒ eLIQUITECH, INC.;¹⁷

THE DISTRIBUTOR DEFENDANTS

☒ MCLANE COMPANY, INC.;¹⁸

☐ EBY-BROWN COMPANY, LLC;¹⁹

☒ CORE-MARK HOLDING COMPANY, INC.;²⁰

THE RETAILER DEFENDANTS

☐ CHEVRON CORPORATION;²¹

☒ CIRCLE K STORES INC.;²²

☐ SPEEDWAY LLC;²³

☒ 7-ELEVEN, INC.;²⁴

☐ WALMART;²⁵

☐ WALGREENS BOOTS ALLIANCE, INC.²⁶

C. PRODUCT USE

7. Plaintiff used JUUL during the time period from August 2016 to August 2019 and that use caused and/or substantially contributed to his injuries.

¹⁷ Maryland corporation, with a principal place of business in Maryland.

¹⁸ Texas corporation with a principal place of business in Texas.

¹⁹ Delaware limited liability company with a principal place of business in Illinois.

²⁰ Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

²¹ Delaware corporation with a principal place of business in California.

²² Texas corporation with a principal place of business in Arizona.

²³ Delaware corporation with a principal place of business in Ohio.

²⁴ Texas corporation with a principal place of business in Texas.

²⁵ Delaware corporation with a principal place of business in Arkansas.

²⁶ Delaware corporation with a principal place of business in Illinois.

D. PHYSICAL INJURY²⁷

8. The Plaintiff experienced the following physical conditions, injuries or illnesses alleged to have been caused and/or contributed to as a substantial factor by JUUL:

☒ ADDICTION

☐ NICOTINE POISONING

☒ BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

☐ ANGER/OUTBURSTS

☒ MOOD SWINGS

☐ IRRITABILITY

☐ SUICIDAL THOUGHTS

☐ SUICIDAL ATTEMPTS

☐ DEATH BY SUICIDE

☐ OTHER (specify): _____

☒ COGNITIVE ISSUES (check all that apply):

☐ ATTENTION DEFICIT DISORDER

☐ LEARNING IMPAIRMENTS

☐ LACK OF CONCENTRATION

☒ TROUBLE SLEEPING

☐ OTHER (specify): _____

☐ CARDIOVASCULAR (check all that apply):

☐ HEART ATTACK

☐ OTHER CARDIOVASCULAR DIAGNOSIS (specify):

²⁷ Plaintiff must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological damages are asserted by the Plaintiff.

☐ NEUROLOGIC (check all that apply):

☐ SEIZURES

☐ STROKE

☒ RESPIRATORY/LUNG (check all that apply):

☐ ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY EOSINOPHILIA

☐ ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA

☐ ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)

☐ ASTHMA

☐ BRONCHITIS

☐ CHRONIC LUNG PROBLEMS

☐ CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

☒ E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG INJURY (EVALI)

☐ ESPHYSEMA

☐ LIPOID PNEUMONIA

☐ LUNG TRANSPLANT

☐ OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE

☐ PNEUMONIA (any type) (specify): _____

☐ POPCORN LUNG/BRONCHIOLITIS OBLITERANS

☐ DEATH

☐ OTHER PERSONAL INJURIES (specify): _____

Acute respiratory failure, Pulmonary infiltrates, and Dyspnea on Exertion

9. The physical conditions, injuries or illnesses alleged in paragraph 8 occurred on or about: August 2019, September 2019, and October 2019.

V. CAUSES OF ACTION ASSERTED

10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY - NEGLIGENT FAILURE TO WARN
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY - NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input checked="" type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input checked="" type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT
<input checked="" type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW: <u>Illinois Consumer Fraud and Deceptive Business Practices Act (815 Ill. Comp. Stat. Ann. § 505/1 et seq.)</u>
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY

Check if Applicable	Cause of Action Number	Cause of Action
<input type="checkbox"/>	XVII	WRONGFUL DEATH
<input type="checkbox"/>	XVIII	SURVIVAL ACTION
<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

VI. ADDITIONAL CAUSES OF ACTION

NOTE

If Plaintiff wants to allege additional Causes of Action other those selected in paragraph 10, the specific facts supporting any such additional Causes of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

11. Plaintiff asserts the following additional theories against the Defendants designated in paragraph 6 above:

WHEREFORE, Plaintiff prays for relief and judgment against Defendants for compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

PULASKI KHERKHER, PLLC

/s/ Leslie LaMacchia

Leslie LaMacchia (TX Bar No. 24048602)

(Admitted Pro hac vice)

2925 Richmond Avenue, Suite 1725

Houston, Texas 77098

Tel: 713-664-4555

Facsimile: 713-664-7543

llamacchia@pulaskilawfirm.com

Counsel for Plaintiff